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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,997	01/10/2002	Craig H. Becker	AUS920010712US1	2738

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EXAMINER

LIEN, TAN

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/044,997	Applicant(s) BECKER ET AL.	
	Examiner Tan Lien	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/10/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 14, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, 14, 24: The phrase "determining the predetermined number of neighbor peer nodes" is redundant and poorly phrased that the Examiner does not know what is intended for the claim. If the number of neighbors is predetermined, why is there a need to determine the number again? The Examiner will construe the phrase to mean "determining the number of neighboring peer nodes."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Dutta et al (US PGPub 2002/0073204).

Claim 1, 13, 23: Dutta teaches a method for communicating among a plurality of peer nodes in a network environment, comprising:

communicating a discovery command from a current peer node to at least one neighbor peer node, the neighbor peer node in communication with the current peer node (paragraph [0011]; wherein the application automatically send/communicating a request or discovery command for node characterizing data from source node or current peer node to target node or neighbor peer node); and

receiving, at the current peer node, an aggregated list of peer nodes, the aggregated list of peer nodes comprising information about at least one peer node in communication with the at least one neighbor node (paragraph [0011]; wherein the source node receives information topology data associated with a node connected to the target node).

Claim 2: Dutta teaches the method as claimed, further comprising:

communicating the discovery command to a predetermined number of neighbor peer nodes (paragraph [0011]; wherein the source node has to send out to the other neighboring nodes in order for it to complete a peer-to-peer network topology).

Claim 3, 14, 24: Dutta teaches the method as claimed, further comprising:

determining the predetermined number of neighbor peer nodes (paragraph [00010] and Fig. 6).

Claim 4, 15, 25: Dutta teaches the method as claimed, further comprising:

creating a peer table at the current peer node; and
updating the peer table with the aggregated list of peer nodes (paragraph [0011] & [0055] and Figure 5; wherein in a peer-to-peer network, each node has to keep a peer table with an aggregated list of neighbor nodes in order to build topology information, and it has to poll its neighbors and update neighbor information in order to check which neighbors are still alive and which neighbors are no longer peers).

Claim 5, 16, 26: Dutta teaches the method as claimed, further comprising:

receiving, at the current peer node, a second discovery command from an originating peer node; and communicating, from the current peer node directly to the originating peer node, the peer table in response to the second discovery command (Figure 4 & 6; wherein the current peer node receives a request for characterization information and the originating peer node receives characterization information in response to the request in Figure 4 and the response is the peer table in Figure 6, ref. 606).

Claim 6, 7, 8, 17, 18, 27, 28: Dutta teaches the method as claimed, further comprising:
receiving a data message having a unique descriptor (GUID) at the current peer node and comparing the unique descriptor to a descriptor table (list of GUIDs) and updating the descriptor table accordingly (paragraph [000043]).

Claim 9, 19, 29: Dutta teaches the method as claimed, further comprising:
forwarding a query command from the current peer node to a predetermined number of neighbor peer nodes (paragraph [0044]; wherein the query command is propagating or forwarding throughout the peer-to-peer network nodes and the query reply is returning to the originating node).

Claim 10, 20, 30: Dutta teaches the method as claimed, further comprising:
receiving, at the current peer node, response data directly from at least one other peer node, the at least one other peer node in communication with the at least one neighbor node (paragraph [0044]; wherein the query command is propagating or forwarding throughout the peer-to-peer network nodes and the query reply is returning to the originating node).

Claim 11, 21, 31: Dutta teaches the method as claimed, further comprising:

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receiving, at the current peer node, a query command from an originating peer node; and communicating, from the current peer node directly to the originating peer node, response data in response to the query command (paragraph [0044]).

Claim 12, 22, 32: Dutta teaches the method as claimed, further comprising:

forwarding the query command from the current peer node to a predetermined number of neighbor peer nodes (paragraph [0044]; wherein the query command is propagating or forwarding throughout the peer-to-peer network nodes and the query reply is returning to the originating node).

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Lien whose telephone number is (571) 272-3883. The examiner can normally be reached on Monday-Thursday from 8:30am to 6pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for this Group is (703) 305-3718.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [tan.lien@uspto.gov].

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tan Lien
Examiner
Art Unit 2141


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER